

File No. 11,698 Continued.

OPINION.

street, and his contention is that the City must bring the street, for its entire width, to grade, before he can be forced to build a sidewalk.

9345

After careful consideration we can see no reason why Mr. Tippet should be exempted from the general rule in this respect, and, therefore, beg to advise you that he is subject to the City Ordinance just as all of the other abutting owners.

Yours truly,

(Signed) W. H. DeC. Wright,  
Acting City Solicitor.

File No. 11,698.

LAW DEPARTMENT.

Baltimore, September 8, 1910.

Hon. Edgar Allan Poe,  
City Solicitor.

Dear Sir:

9346

With further reference to my letter to you of September 2nd, which is herewith enclosed, I would state that I have seen Mr. Tippet since that time and understand from him that he will resist any attempt on the part of the City to make him pave in front of his lot.

The situation, as I gather it from Mr. Wendall and Mr. Tippet, is as follows:

9347

Tenth street has been deeded to the City and is sixty-six feet wide at the point where Mr. Tippet is an abutting owner. The street, for the width of thirty-two feet, is paved with macadam, under Ordinance 149, approved May 8, 1903. The only grading the City has ever done on this street is the grading of these thirty-two feet which have been paved. Mr. Tippet's lot occupies a ravine, of about twenty feet below the street, and, in order to make the pavement in front of his lot come up to grade, he would have to fill in for that distance.

The issue raised by Mr. Tippet is very clear out. He contends that it is the duty of the City to grade the street for its whole width before abutting owners can be made to build sidewalks, and, inas-